

REMARKS

I. INTRODUCTION

Claims 27 and 28 have been added. Claims 13-28 are now pending in the present application. Claims 18, 21 and 26 have been amended. No new matter has been added. Reconsideration of the present application is requested.

II. ALLOWABLE CLAIMS

Applicants gratefully acknowledge the Examiner's indication that claims 18-26 include allowable subject matter. Claims 18, 21 and 26 have been amended to be rewritten in independent form. Claims 19 and 20 depend from claim 18. Claims 22-25 depend from claim 21. It is submitted that claims 18-26 are in condition for allowance.

III. REJECTION OF CLAIMS 13-17 UNDER 35 U.S.C. § 103

Claims 13-17 stand rejected under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 4,766,405 to Daly et al. (the "Daly patent") in view of U.S. Patent No. 6,382,532 to French et al. (the "French patent"). As an initial matter, it is respectfully submitted that at least the French patent is not prior art relative to the present application. Applicants' perfected a priority claim in Applicants' Response filed on December 3, 2003. Applicants are therefore entitled to the priority date of **October 2, 1999**. The French patent was filed on **August 23, 2000**, i.e., after Applicants' priority date. For at least this reason, the rejection of claims 13-17 under 35 U.S.C. § 103 over the Daly patent in view of the French patent, should be withdrawn.

Moreover, the Examiner apparently relies on Fig. 3 of the Daly patent in connection with Applicants' recited "at least one of a piezoelectric and a magnetostrictive actuator." Respectfully, it appears that Fig. 3 of the Daly patent includes a classic electromagnetic circuit including a magnetic coil 62, a magnetic armature 80, and internal pole 60

and external pole 56 as part of the valve housing. The Daly patent does not appear to disclose either a piezoelectric actuator or a magnetostrictive actuator, as recited in claim 13.

For at least the foregoing reasons, the rejection of claims 13-17 over the Daly patent in view of the French patent should be withdrawn.

IV. NEW CLAIMS

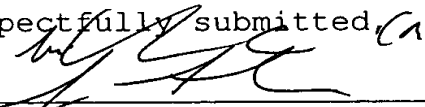
New claims 27 and 28 have been added. Support for the new claims can be found throughout the present application

V. IDS

As set forth in Applicants' Response dated December 2, 2003, in connection with this application, Applicants filed an Information Disclosure Statement and corresponding PTO Form 1449 on June 4, 2001. However, Applicants still have not yet received a copy of the initialed PTO Form 1449. The Examiner is requested to forward to Applicants a copy of the initialed PTO Form 1449 with the next communication.

In light of the foregoing, it is respectfully submitted that all pending claims 14-28 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

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Respectfully submitted, (1 260217)

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